



10 DEC 2002

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In re Application of	:	
HUNT, Simon	:	
U.S. Application No. 09/762,852	:	DECISION ON PETITION
PCT No.: PCT/GB99/02665	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 12 August 1999	:	
Priority Date: 14 August 1998	:	
Attorney Docket No.: 0234/00070	:	
For: INTERACTIVE SYSTEM FOR	:	
ENABLING TV SHOPPING	:	

This decision is in response to the "Request for Reconsideration Petition under 37 CFR 1.47(b)" filed 26 August 2002. In a decision dated 25 June 2002, the (second) "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed 25 April 2002 was dismissed because applicant did not provide adequate proof that the inventor, Simon Hunt, refused to execute the application or could not be reached after diligent effort.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the requirements of items (1), (3), (4), (5) and (6) above.

As to Item (2), a review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the applicant has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Simon Hunt. Additionally, the steps taken by Howard Milhench are sufficient to show that the missing inventor refuses to execute the application.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application will be given an international filing date of 12 August 1999 under 35 U.S.C. 363, and a date of **02 January 2002** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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In re Application of
HUNT, Simon
U.S. Application No. 09/762,852
PCT No.: PCT/GB99/02665
Int. Filing Date: 12 August 1999
Priority Date: 14 August 1998
Attorney Docket No.: 0234/00070
For: INTERACTIVE SYSTEM FOR ENABLING TV SHOPPING

Dear Mr. Hunt:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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